

TOWN OF WESTMINSTER



ZONING BY-LAWS GENERAL BY-LAWS APPROVED AT SPECIAL TOWN MEETING NOVEMBER 18, 2014

Changes approved by Attorney General January 16, 2015

Denise L. MacAloney
Denise L. MacAloney, CMMC/MMC
Westminster Town Clerk



MARTHA COAKLEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

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January 16, 2015

Denise L. MacAloney, Town Clerk
Town of Westminster
11 South Street
Westminster, MA 01473

RE: Westminster Special Town Meeting of November 18, 2014 - Case # 7445
Warrant Articles # 13, 14 and 15 (Zoning)
Warrant Article # 12 (General)

Dear Ms. MacAloney:

Articles 12, 13, 14 and 15 - We approve Articles 12, 13, 14 and 15 from the November 18, 2014 Westminster Special Town Meeting.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) **general** by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) **zoning** by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MARTHA COAKLEY
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
Assistant Attorney General
Municipal Law Unit
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cc: Town Counsel Brian Riley



**TOWN OF WESTMINSTER
OFFICE OF THE TOWN CLERK**

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Westminister, MA 01473
(978) 874-7406
FAX (978) 874-7411
E-Mail: dmacaloney@westminister-ma.gov

VOTE TAKEN AT SPECIAL TOWN MEETING NOVEMBER 18, 2014

An affirmative vote was taken at this time to accept the provisions of MGL Chapter 39, Section 15, which allows the Moderator to dispense with a count in matters requiring a two-thirds vote by statute, where the vote is unanimous or clearly overwhelming at this Annual Town Meeting.

ARTICLE 12. Voted to amend the general bylaws by adding an appropriately numbered chapter and section to "Part I: Administrative Legislation," as follows:

Conservation Commission

Establishment: The Board of Selectmen shall appoint a Conservation Commission comprised of five members, pursuant to the provisions of MGL Chapter 40, Section 8C. Members shall serve three-year terms, so arranged that the terms of approximately one-third of the members shall expire each year.

A true copy, Attest:

Denise L. MacAloney, CMMC/MMC
Town Clerk

**TOWN OF WESTMINSTER
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H. Other Principal Uses

	R-1	R-2	R-III	C-I	C-II	C-III	I-I	I-II
(9) Medical Marijuana Treatment Center/Registered Marijuana Dispensaries (See Section 205.39.4)	N	N	N	N	N	N	SP-PB	SP-PB

(2/3 vote required)
Unanimous Vote

A true copy, Attest:

Denise L. MacAloney, CMMC/MMC
Town Clerk



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VOTE TAKEN AT SPECIAL TOWN MEETING NOVEMBER 18, 2014

An affirmative vote was taken at this time to accept the provisions of MGL Chapter 39, Section 15, which allows the Moderator to dispense with a count in matters requiring a two-thirds vote by statute, where the vote is unanimous or clearly overwhelming at this Annual Town Meeting.

ARTICLE 14. Voted to amend Article XIV (Enforcement, Violations and Penalties) of the Zoning Bylaw to add a new section 205-60 to Article XIV (Enforcement: Violations and Penalties) that will enable the Zoning Enforcement Officer to handle zoning violations through a non-criminal disposition process, as printed in the warrant:

**ARTICLE XIV
Enforcement; Violations and Penalties**

§ 205-60. Non-criminal disposition.

In addition to the provisions of enforcement listed above, the Building Commissioner may, in his discretion, enforce the provisions of the Zoning Bylaw by non-criminal disposition pursuant to MGL Chapter 40, Section 21D. Each day on which a violation exists shall be deemed to be a separate offense. Non-criminal citations may be appealed to Gardner District Court or Worcester County Housing Court in accordance with MGL Chapter 40, Section 21D. The penalty for violation of any provision of the Zoning Bylaw pursuant to this section shall be fifty dollars [\$50] for the first offense; seventy-five dollars [\$75] for the second offense; one hundred dollars [\$100] for the third offense; and one hundred twenty-five dollars [\$125] for the fourth and each subsequent offense.

**(2/3 vote required)
Unanimous Vote**

A true copy, Attest:

Denise L. MacAloney, CMMC/MMC
Town Clerk



**TOWN OF WESTMINSTER
OFFICE OF THE TOWN CLERK**

Denise L. MacAloney, CMMC/MMC
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Westminster, MA 01473
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VOTE TAKEN AT SPECIAL TOWN MEETING NOVEMBER 18, 2014

An affirmative vote was taken at this time to accept the provisions of MGL Chapter 39, Section 15, which allows the Moderator to dispense with a count in matters requiring a two-thirds vote by statute, where the vote is unanimous or clearly overwhelming at this Annual Town Meeting.

ARTICLE 15. Voted to amend Article II (Definitions) of the Zoning Bylaw to add the State's definitions for the various types of kennels and amend Section 205-22 (Table of Uses) to delineate where such kennels are allowed in Town and under what circumstances, as printed in the warrant:

**ARTICLE II
Definitions**

COMMERCIAL BOARDING OR TRAINING KENNEL: An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment at which such services are rendered in exchange for consideration and in the absence of the owner of any animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under MGL Chapter 129, Section 39A, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

COMMERCIAL BREEDER KENNEL: An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

DOMESTIC CHARITABLE CORPORATION KENNEL: A facility operated, owned or maintained by a domestic charitable corporation registered with the Department of Agricultural Resources or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purposes while providing veterinary treatment and care.

KENNEL: A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

PERSONAL KENNEL: A pack or collection of more than 4 dogs, 3 months or older, owned or kept under single ownership for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed for use in legal

sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the Department of Agricultural Resources, may be sold, traded, bartered or distributed if the transfer is not for profit.

VETERINARY KENNEL: A veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that "veterinary kennel" shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care.

205a Table of Use Regulations

Use	Residential			Commercial			Industrial	
	R-I	R-II	R-III	C-I	C-II	C-III	I-I	I-II
B. Institutional, recreational and educational uses								
15) Domestic charitable corporation kennel	SP-PB	SP-PB	SP-PB	N	N	N	N	N

Use	Residential			Commercial			Industrial	
	R-I	R-II	R-III	C-I	C-II	C-III	I-I	I-II
E. Retail business and consumer service establishments								
10) Veterinary kennel	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB
16) Commercial boarding or training kennel	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB
17) Commercial breeder kennel	N	SP-PB	SP-PB	N	N	N	N	N

Use	Residential			Commercial			Industrial	
	R-I	R-II	R-III	C-I	C-II	C-III	I-I	I-II
I. Accessory uses and off-street parking								
14) Personal kennel	Y	Y	Y	Y	Y	Y	Y	Y

(2/3 vote required)

2/3 affirmative vote recognized (MGL Ch 39, Sect 15)

A true copy, Attest:

Denise L. MacAloney, CMMC/MMC
Town Clerk